

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:25-cv-21291-LEIBOWITZ/AUGUSTIN-BIRCH

SHELBY MAYES,

Plaintiff,

v.

J & J GREEN PAPER, INC., *et al.*,

Defendants.

ORDER IN ACTIONS BROUGHT UNDER THE FAIR LABOR STANDARDS ACT

The Complaint filed on March 11, 2025, alleges violations of the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, (“FLSA”). To assist the Court in the management of this case, and in an effort to foster early and cost-effective resolution, the parties are **ORDERED** to comply with the following procedures:

1. Under Rule 8 of the Federal Rules of Civil Procedure, a plaintiff is required to make a “short and plain statement of the claim.” Fed. R. Civ. P. 8(a)(2). While this Rule places only a light burden on a plaintiff, the Court hereby requires complaints filed under the FLSA to include, at a minimum, a statement setting forth the following with respect to each Plaintiff(s):

- a. An initial estimate of the total amount of alleged unpaid wages;
- b. A preliminary calculation of such wages;
- c. The approximate period during which the alleged FLSA violations occurred;
and
- d. The nature of the wages (e.g., overtime or straight time).

By **Thursday, May 1, 2025**, the Plaintiff shall file a “Statement of Claim” (and, if the Complaint does not contain the foregoing information, an amended complaint that conforms to these

requirements). The Plaintiff shall then promptly serve a copy of this Order, the Statement of Claim, and copies of all supporting documents (including time sheets, pay stubs, etc.) upon counsel for the Defendants.


2. Within **twenty (20) days** of being served with the Plaintiff's Statement of Claim, the Defendants shall file a "Response to the Plaintiff's Statement of Claim," setting forth in detail any defenses the Defendants may raise to the Plaintiff's claims and serve on the Plaintiff copies of all supporting documents.

3. This matter is hereby **REFERRED** to United States Magistrate Judge Panayotta Augustin-Birch for a settlement conference, which shall be held within **thirty (30) days** of the Defendants' Response to the Plaintiff's Statement of Claim, if possible, but if not, at a date and time Magistrate Judge Augustin-Birch deems appropriate. Except as provided under Local Rule 16.2.E, the appearance of counsel and each party, or representatives of each party with full authority to enter into a full and complete settlement, is mandatory. **Appearances shall be in person; telephonic appearances are prohibited absent permission from Magistrate Judge Augustin-Birch.** All discussions, representations, and statements made at the settlement conference shall be confidential and privileged. If the case is settled at the settlement conference, counsel shall promptly notify the Court by filing a notice of settlement, signed by counsel of record, within **two (2) days** of the settlement conference. If the case does not settle, the parties shall submit a joint status report within **seven (7) days** of the conference.

4. If the settlement conference is unsuccessful, all parties shall participate in a subsequent mediation, which will take place in accordance with the deadlines set forth in the Court's Scheduling Order.

5. Failure to comply with **ANY** of these procedures may result in the imposition of appropriate sanctions, including the dismissal of this action or entry of default.

DONE AND ORDERED in the Southern District of Florida on March 20, 2025.



DAVID S. LEIBOWITZ
UNITED STATES DISTRICT JUDGE

cc: counsel of record